IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4885 of 2007()

CRIME NO.292/06 OF VALANCHERY POLICE STATION

.....

PETITIONER/ACCUSED NO.1

SHIHABUDHEEN, S/O. SAIDALAVI,
AGED 21 YEARS,CHOLAYIL PARAMBIL HOUSE,
ATHAVANAD, KODASSERIPARA,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
VALANCHERY POLICE STATION-THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM,KOCHI-31.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4885 OF 2007

Dated this the 13th day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sec.395 of the IPC. His earlier application for bail was dismissed as per the order dated 27/6/07. The alleged incident took place on 25/8/06. The victim – a money lender, was allegedly proceeding on his two wheeler. The miscreants, who came in a car including the petitioner, stopped the vehicle and committed robbery. An amount of Rs.5,000/- was allegedly taken away by force from the de facto complainant. The petitioner was arrested on 7/6/07. Altogether, there are six accused persons. All the others were arrested and released earlier, it is submitted. The petitioner continues in custody from 7/6/07.

2. The learned counsel for the petitioner submits that, in these circumstances, the petitioner may be enlarged on bail.

The learned counsel for the petitioner further submits that, as a matter of fact, the cutthroat money lenders have some disputes with the local people and false allegations are being raised against the petitioner herein.

3. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the F.I.R. clearly shows that it was not a case of any dispute between the victim and any other. It was a classic case of outright robbery committed by the miscreants. The petitioner was not even named in the F.I.R. It is only in the course of investigation that his complicity was revealed. The petitioner is not entitled to be enlarged on bail at this stage. The co-accused, who have remained in custody for a long period of time, were granted bail. But that is not a reason for the petitioner to claim bail now, submits learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am not persuaded to agree that the petitioner can or deserve to be enlarged on bail at this stage.

5. This petition is, in these circumstances, dismissed. I may, however, hasten to observe that the petitioner shall be at liberty to move this Court or the courts below for bail again at a

later stage of the investigation – not, at any rate, prior to 25/8/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge